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असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
 as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 13th April, 1972:—

BILL No. 31 OF 1972

A Bill to amend the Untouchability (Offences) Act, 1955 and further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1972.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short
title
and com-
mence-
ment,

22 of 1955.

2. In section 2 of the Untouchability (Offences) Act, 1955 (hereinafter referred to as the principal Act), in clause (d), after the words "and includes", the brackets and figure "(i)" shall be inserted, and after item (i), as so inserted, the following shall be inserted, namely:—

Amend-
ment of
section 2

"(ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public religious worship; but does not include any land or subsidiary shrine appurtenant or attached to such privately owned place of worship unless such land or subsidiary shrine is allowed by the owner thereof to be used as a place of public religious worship."

Amend-
ment of
sections
3, 4, 5 and
6.

3. In sections 3, 4, 5 and 6 of the principal Act, for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than fifty rupees and not more than two hundred rupees" shall be substituted.

Amend-
ment of
section 7.

4. In section 7 of the principal Act,—

(a) in sub-section (1),—

(i) for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than fifty rupees and not more than two hundred rupees" shall be substituted;

(ii) the *Explanation* shall be re-numbered as *Explanation I*, and after *Explanation I*, as so re-numbered, the following *Explanation* shall be inserted, namely:—

'Explanation II.—A person shall be deemed to incite or encourage another person to practise "untouchability", if he justifies, whether on historical, philosophical or religious grounds, the practice, by such other person, of "untouchability".';

(b) in sub-section (2), in clause (ii), for the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both", the words "shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than fifty rupees and not more than two hundred rupees" shall be substituted.

Amend-
ment of
section
11.

5. In section 11 of the principal Act, for the words "shall, on every such subsequent conviction, be punishable with both imprisonment and fine", the following shall be substituted, namely:—

"shall, on conviction, be punishable—

(a) for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which shall be not less than two hundred rupees and not more than five hundred rupees;

(b) for the third offence or any offence subsequent to the third offence, with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees".

6. In section 15 of the principal Act,—

Amend-
ment of
section
15.

(i) in clause (a), the brackets and letter "(a)", and the word "and" occurring at the end, shall be omitted; and

(ii) clause (b) shall be omitted.

22 of 1955.

7. In section 8 of the Representation of the People Act, 1951, in subsection (1), after the words "the Indian Penal Code," the words, brackets and figures "or under the Untouchability (Offences) Act, 1955," shall be inserted.

Amend-
ment of
section
8 of Act
43 of 1951.

STATEMENT OF OBJECTS AND REASONS

Untouchability has been abolished by article 17 of the Constitution, and in pursuance of the provision of article 35 of the Constitution, the Untouchability (Offences) Act, 1955 was passed by Parliament to make the practice of untouchability a cognizable offence. During the working of this Act, it was noticed that there were some lacunae in the provisions and that these loopholes needed to be plugged. In April 1965, the Government of India appointed the Committee on Untouchability, Educational and Economic Development of the Scheduled Castes under the chairmanship of Shri L. Elayaperumal to examine, *inter alia*, the problem of untouchability *vis-a-vis* the working of the Untouchability (Offences) Act, 1955, and to make recommendations to the Government for amendments to the Act. The Committee submitted its report in January 1969 in which it made certain recommendations with a view to plugging the loopholes and making the penal provisions more stringent. The present Bill seeks to give effect to some of the recommendations made by the said Committee.

S. NURUL HASAN.

NEW DELHI;
The 26th March, 1972.

S. L. SHAKDHER,
Secretary.